

**Motion for Permission to  
Appeal In Forma Pauperis and Affidavit**

THE NORTHERN DISTRICT OF ALABAMA, EASTERN DIVISION

2018 OCT -2 PM  
U.S. DISTRICT COURT  
N.D. OF ALABAMA

Court of Appeals No. 18-14143-D  
District Court No. 5:17-cv-01216

Trey T. Williams

v.

Capital One Bank(USA)N.A. et. al.

**Instructions:** Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

**Affidavit in Support of Motion**

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Date: 2 Oct. 2018

Signed: Trey T. Williams

1. My issues on appeal are: IT IS PLAINTIFF'S CONTENTION THAT JUDGE C. LYNNWOOD SMITH JR. "ABUSED HIS DISCRETION" BY APPLYING INCORRECT LEGAL STANDARDS AND MISREPRESENTATION OF THE STATUTE AS IT PERTAINS TO FCRA: 1681(g)(1)(A), 1681(g)(1)(B), 1681(c)(b), 1681(h)(e), 1681s-2(b). ALONG WITH IGNORING FEDERAL RULES OF CIVIL PROCEDURE. FURTHERMORE, IT IS MOVANT'S CONTENTION THAT JUDGE C. LYNNWOOD SMITH JR. "ABUSED HIS DISCRETION" BY IGNORING WILLIAMS' DOCKET ENTRIES.

IN OTHER WORDS, DID THE COURT MAKE AN IMPROPER RULING CONCERNING (ECF 84, 118) IN GRANTING "MOTION TO DISMISS" IN FAVOR OF CAPITAL ONE BANK(USA)N.A. & "SUMMARY JUDGMENT" AS IT PERTAINS TO EQUIFAX INFORMATION SERVICES LLC. IN REGARDS TO FCRA: PARTS: SUB-PARTS THAT APPLY, ALONG WITH IGNORING THE FEDERAL RULES OF CIVIL PROCEDURE.

2. For both you and your spouse, estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income Source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ _____	\$ _____	\$ _____	\$ _____
Self-employment	\$ <u>100</u>	\$ <u>N/A</u>	\$ <u>100</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>N/A</u>	\$ _____	\$ <u>N/A</u>	\$ _____
Interests and dividends	\$ <u>N/A</u>	\$ _____	\$ <u>N/A</u>	\$ _____
Gifts	\$ <u>150</u>	\$ _____	\$ <u>150</u>	\$ _____
Alimony	\$ <u>N/A</u>	\$ _____	\$ <u>N/A</u>	\$ _____
Child support	\$ <u>N/A</u>	\$ _____	\$ <u>N/A</u>	\$ _____
Retirement (such as Social Security, pensions, annuities, insurance)	\$ <u>N/A</u>	\$ _____	\$ <u>N/A</u>	\$ _____
Disability (such as Social Security, insurance payments)	\$ <u>N/A</u>	\$ _____	\$ <u>N/A</u>	\$ _____
Unemployment payments	\$ <u>N/A</u>	\$ _____	\$ <u>N/A</u>	\$ _____
Public-assistance (such as welfare)	\$ <u>N/A</u>	\$ _____	\$ <u>N/A</u>	\$ _____
Other (specify): <u>TEMP WORK</u>	\$ _____	\$ _____	\$ _____	\$ _____
<b>Total monthly income:</b>	\$ _____	\$ _____	\$ _____	\$ _____

3. List your employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross Monthly Pay
<u>EXPRESS EMPLOYMENT PROFESSIONALS</u>	<u>5650 SANDERSON ST. NW. HUNTSVILLE, AL.</u>	<u>July 2018</u>	<u>300<sup>00</sup></u>
_____	_____	_____	_____

4. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

<u>N/A</u>	_____	_____	_____
_____	_____	_____	_____

5. How much cash do you and your spouse have? \$ N/A

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
N/A		\$	\$ N/A
		\$	\$
		\$	\$

If you are a prisoner seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

6. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

<b>Home (Value)</b>	<b>Other Real Estate (Value)</b>	<b>Motor Vehicle #1 (Value)</b>
N/A		Make & Year: _____
		Model: _____
		Registration #: _____
<b>Other Assets (Value)</b>	<b>Other Assets (Value)</b>	<b>Motor Vehicle #2 (Value)</b>
N/A		Make & Year _____
		Model: _____
		Registration #: _____

7. State every person, business, or organization owing you or your spouse money, and the amount owed.

<b>Person owing you or your spouse money</b>	<b>Amount owed to you</b>	<b>Amount owed to your spouse</b>
N/A		

8. State the persons who rely on you or your spouse for support.

Name [or, if under 18, initials only]

Relationship

Age

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9. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Your Spouse
For home-mortgage payment (include lot rented for mobile home)	\$ <u>N/A</u>	\$ <u>N/A</u>
Are real-estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	\$ _____	\$ _____
Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	\$ _____	\$ _____
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>40<sup>00</sup></u>	\$ _____
Home maintenance (repairs and upkeep)	\$ _____	\$ _____
Food	\$ <u>60<sup>00</sup></u>	\$ _____
Clothing	\$ _____	\$ _____
Laundry and dry-cleaning	\$ <u>10<sup>00</sup></u>	\$ _____
Medical and dental expenses	\$ <u>N/A</u>	\$ _____
Transportation (not including motor vehicle payments)	\$ <u>50<sup>00</sup></u>	\$ _____
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>N/A</u>	\$ _____
Insurance (not deducted from wages or included in mortgage payments)	\$ <u>N/A</u>	\$ _____
Homeowner's or renter's	\$ <u>50<sup>00</sup></u>	\$ _____
Life	\$ _____	\$ _____
Health	\$ _____	\$ _____
Motor Vehicle	\$ _____	\$ _____
Other: <u>AUTO MAINTENANCE</u>	\$ <u>20<sup>00</sup></u>	\$ _____
Taxes (not deducted from wages or included in mortgage payments) (specify): _____	\$ <u>N/A</u>	\$ _____
Installment payments	\$ _____	\$ _____
Motor Vehicle	\$ <u>N/A</u>	\$ _____
Credit card (name): _____	\$ <u>N/A</u>	\$ _____
Department store (name): _____	\$ <u>N/A</u>	\$ _____
Other: _____	\$ _____	\$ <u>N/A</u>

Alimony, maintenance, and support paid to others	\$ <u>N/A</u>	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>10<sup>00</sup></u>	\$ _____
Other (specify): _____	\$ _____	\$ _____
<b>Total monthly expenses</b>	\$ <u>250<sup>00</sup></u>	\$ _____

10. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☒ Yes ☐ No

I ANTICIPATE TEMP WORK ASSIGNMENTS TO INCREASE IN THE NEAR FUTURE.  
If yes, describe on an attached sheet.

11. Have you spent – or will you be spending – any money for expenses or attorney fees in connection with this lawsuit?

☐ Yes ☒ No

If yes, how much: \$ \_\_\_\_\_

12. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

UNDER CURRENT FINANCIAL CIRCUMSTANCES: THE UNCERTAINTY OF TEMP WORK ASSIGNMENTS, I AM UNABLE AT THIS TIME TO PAY THE REQUIRED FEE FOR AN APPEAL TO THE ELEVENTH CIRCUIT. IN ADDITION, Prolapsed HICKORY HAS ADVERSELY AFFECTED MY ABILITY TO REASONABLY ENJOY: EXPERIENCE A HIGHER QUALITY OF LIFE.

13. State the city and state of your legal residence. P.O. Box 464 HARVEST, AL 35749

Your daytime phone number: (256) 749-2614

Your age: 46 Your years of schooling: 16